

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FRANK LILL & SON, INC.,

Plaintiff,

V.

MEDICAL AREA TOTAL ENERGY PLANT,
INC.,

Defendant.

CIVIL ACTION
No. 05-10122-RGS

DEFENDANT'S MOTION TO EXTEND TIME WITHIN WHICH TO RESPOND TO
PLAINTIFF'S INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS.

Now comes defendant, and hereby moves for an extension of the time to and including January 4, 2006, within which it must respond to plaintiff's first set of interrogatories and its first request for production of documents, both served by mail on October 4, 2005.

As grounds, defendant states that it requires the time requested to gather the necessary response-information from various sources; that its undersigned counsel on November 17, 2005 therefore telephoned opposing counsel, Mr. Zamansky, and requested the instant extension; that only on December 5, 2005 (18 days later) did Mr. Zamansky communicate his response, which was to agree to the extension "if MATEP waives any objections"; and that defendant wishes to preserve, and not to waive, such valid and proper objections that it might have to the plaintiff's discovery requests.

Defendant further states that within the past two months its primary focus has been on the court-ordered mediation

herein, with one session already having been held and another scheduled for December 19, 2005, and that its omission to seek an extension within the original response time was an oversight, for which defendant apologizes, and which it asks the court, in the circumstances, to regard as excusable.

By its attorneys,

/s/ John M. Connolly
Michael B. Meyer, Esq.
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Catherine J. Keuthen, Esq.
B.B.O. #373620
John M. Connolly, Esq.
B.B.O. # 095180
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MACDONALD LLP
Attorneys for defendant
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(617) 423-2254

DATED: December 9, 2005

CERTIFICATION.

I hereby certify that, by way of the attached correspondence, I have conferred with opposing counsel pursuant to Local Rule 7.1 (A) (2) and unsuccessfully have attempted in good faith to resolve or narrow the issues presented by the within motion.

/s/ Michael B. Meyer

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SUSAN F. SCHWARTZ
Of Counsel

November 30, 2005

Leonard D. Zamansky, Esq.
Domestico, Lane & McNamara LLP
161 Worcester Road
Framingham, Massachusetts 01701

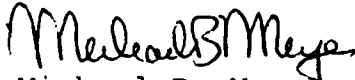
Re: Lill v. MATEP, C.A. No. 05-10122 RGS

Dear Len:

I called you on Thursday, November 17, 2005 to ask for an additional 60 days, i.e. until January 4, 2006, for MATEP to answer Lill's October 4, 2005 First Request for Production of Documents and First Set of Interrogatories in the above-captioned case, which I believe we received on October 6, 2005. You said you would get back to me on this request. I called you again on November 22, 2005, with the same request, and you indicated to me that you had not yet heard from your client on this matter.

In light of the pending mediation, in light of the passage of time, and until I hear from you in response to the contrary, MATEP currently plans on responding to your above-described discovery requests on January 4, 2006. Please do not hesitate to write or call if you have any questions whatsoever, or if I can be of any further assistance to you in this matter.

Thank you for your continued cooperation.

Very truly yours,

Michael B. Meyer

cc: John McNamara, Esq.
Martha Connolly, Esq.
Timothy Cronin, Esq.

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December 5, 2005

VIA FACSIMILE TO (617) 426-4687

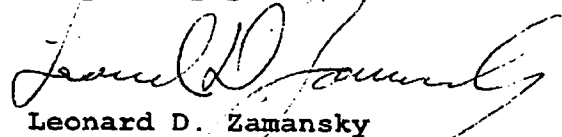
Michael B. Meyer, Esquire
Meyer, Connolly, Sloman & MacDonald, LLP
12 Post Office Square
Boston, MA 02109

Re: Frank Lill & Son, Inc. v. Medical Area Total Energy
Plant, Inc.; U.S. District Court for the District of
Massachusetts; C.A. No. 05-10122 RGS

Dear Attorney Meyer:

This will follow up our recent communications regarding discovery and your November 30, 2005 letter. Under the Federal Rules of Civil Procedure, MATEP's discovery responses are long overdue. Accordingly, my client can only agree to an extension to January 4, 2006, as referenced in your letter, for MATEP to respond to discovery if MATEP waives any objections.

Very truly yours,


Leonard D. Zamansky

Cc: Charles G. Lill, President
Martha A. Connolly, Esq.
John J. McNamara, Esq.